

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES ATT.,  
Plaintiff

Hon. William Alsup  
CR-14-0306 WHA

✓

LUKE BRIGNARA,  
Defendant

CHANGES TO  
JURY INSTRUCTIONS

Defendant, Luke Brignara ("Luke") requests this Court modify the draft jury instructions which are highly PREJUDICIAL against Luke.

Luke requests the following paragraphs removed in their entirety:

#31. This paragraph is highly prejudicial; makes inflammatory and shocking comparisons <sup>between</sup> an alleged sale (with a contingency period) with a bank robbery, and is assumptive as to guilty in its opening sentence. This paragraph must be removed.

#34. This paragraph is highly prejudicial and incorrectly instructs jurors not to consider the fraud of Long to the instant matter charge, which involve a due diligence period.

\* This Court must, as per its FINAL INCLINING ORDER, give jury instructions on CONTRACT LAW, DUE

## DILIGENCE PERIOD and REJECTION AND WAIVER OF CONDITIONS IN A CONTRACT.

#38. This paragraph must be removed in its entirety. The indicted charge DOES NOT specify Sothebys in the second sentence of the alleged perjury charge. This Court cannot interpret the evidence and facts of this case; it is for the 12 jurors to decide, not the judge.

\*42. The second paragraph of #42 must be removed in its entirety. USA v BAILEY, US Constitution for liberty, freedom and no cruel and unusual punishment and due process are all possible reasons for departure. This Court CANNOT foreclose the defense of the abscond charge under Luke's rights to due process and liberty under the Constitution, which trumps Rules of Evidence.

\*47. This paragraph must be removed in its entirety. The jury heard 3 medical professionals express concern that Luke has cancer. This Court CANNOT muffle or suppress that credible testimony.

\*50. The sentence "It is important to attempt to reach a unanimous verdict" is totally improper. Each juror is allowed equal vote and is not required

to be preadvised to conform, or adjust their beliefs to reach a unanimous verdict.

\* Luke requests this inclusion "Do what your conscious guides you, without any doubts or possibilities, as this is a matter of the freedom and liberty of Luke Brugnara".

\* Luke request his name "Luke Brugnara" be used instead of "the accused".

\* Luke requests medical duress instructions to the jury. The abscond defense which includes mitigation of the claim by a bonafide attempt/plan to return to custody once the medical duress subsided.

\*32. ~~This~~ paragraphs must be removed in their entirety. It is inaccurate and highly prejudicial the way it is written. The paragraphs should be rewritten to read: "Although a contract need not be signed to prove fraud, if the intent of Mr. Brugnara ~~was not~~ did not include the elements of fraud, then there is no fraud, as intent of Mr. Brugnara is the essential ~~element to establish fraud~~ determine to consider"

\*33. This paragraph is prejudicial and vague and must be removed.

\*34. This paragraph must be rewritten (see #32 above)

#18. This paragraph must remove the sentence "any any reasonable inferences that you draw ~~from~~ concerning consciousness of guilt". Alternatively, this paragraph must be removed in its entirety.

#14. This paragraph must remove the prejudicial inferences from sentences 3-5 by deletion.

#10. This paragraph must be removed as it is duplicative and confusing/unnecessary.

#9. (#5). This paragraph is duplicative and should be removed.

#9. (#2) This paragraph is duplicative and <sup>pretrial instructions</sup> not material during the post-verdict deliberations.

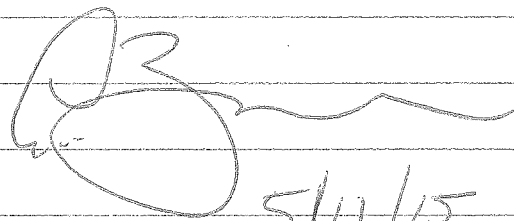
#7. Luke requests additional language: "Thinking that ~~the~~ Luke Brugnara may have done the offense requires "not guilty". You CANNOT convict Luke Brugnara on thinking he is probably guilty - that requires NOT GUILTY. You CANNOT convict Luke Brugnara on speculation, probability, or possibility - that requires "NOT GUILTY". IF THERE IS ANY DOUBT WHATSOEVER THAT SOUNDS REASONABLE TO YOU THEN YOU MUST FIND LUKE BRUGNARA NOT GUILTY.



#4, Luke requests this paragraph out.

#5. Luke requests this paragraph out. Luke DOES NOT want <sup>the jury</sup> to know sterens is appointed.


These changes and additions should be made in the interests of justice and fairness to Luke Brugnara who is assumed innocent of the charges.

  
5/11/15

IMPORTANT:

\* This Court must remove off the JURY VERDICT FORM the pretext: "Yes" and "No"

This is a SUBUNIAL message,

 "~~Yes~~ Guilty" "~~No~~ Not Guilty"

Also, "Not Guilty" should come first.

